

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KAINTE HICKEY,

Plaintiff,

v.

UNKNOWN STUMP et al,

Defendants.

Case No: 1:24-cv-449

HON. ROBERT J. JONKER

**ORDER APPROVING AND ADOPTING MAGISTRATE'S
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on February 13, 2025 (ECF No. 45). The Report and Recommendation was duly served on the parties and an order granting plaintiff's motion for extension of time to file objections was entered on February 28, 2025 (ECF No. 46). No objections have been filed under 28 U.S.C. § 636(b)(1)(C).

ACCORDINGLY, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (ECF No. 45) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss (ECF No. 34) is **GRANTED** in part and **DENIED** in part. The Court dismisses all claims against Defendants Jones, Normington, Ritter and Fox as barred by claim preclusion; dismisses the supervisory liability claims against Defendants Ritter, Normington, Jones and Macauley for failure to state a claim; and dismisses the retaliation claims against Defendants Jones, Normington, Ritter and Fox for failure to state a claim. The Court also dismisses the conspiracy allegations and all official capacity claims. The Court construes Count I (beginning at paragraph 37) of plaintiff's Complaint as

asserting an Eighth Amendment claim, and dismisses the excessive force aspect, but allows the sexual assault aspect of the claim to proceed. The retaliation claims against Defendants Stump and Nelson are allowed to proceed.

Dated: March 14, 2025

/s/ Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE